



COPS *Fact Sheet*

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COMMUNITY ORIENTED POLICING SERVICES
U.S. DEPARTMENT OF JUSTICE

Criminal Intelligence Systems Operating Policies

What are the Criminal Intelligence Systems Operating Policies?

The Criminal Intelligence Systems Operating Policies described in 28 C.F.R. Part 23 direct that all interjurisdictional criminal intelligence systems operating through support under 42 U.S.C. 3711 (which the Violent Crime Control and Law Enforcement Act of 1994 amends and under which all COPS grants are made) protect the privacy and constitutional rights of individuals. The guidelines include protections to prevent violations of individual privacy due to the negligent maintaining and sharing of criminal intelligence information between agencies. These policy standards are applicable to all interjurisdictional criminal intelligence systems operating with funding from the COPS Office.

What is a Criminal Intelligence System?

An "interjurisdictional criminal intelligence system" is generally defined as a system which receives, stores, analyzes, and exchanges or disseminates data regarding ongoing criminal activities (such activities may include, but are not limited to, loan sharking, drug or stolen property trafficking, gambling, extortion, smuggling, bribery, and public corruption) and shares this data with other law enforcement jurisdictions.

What is Criminal Intelligence Information?

Criminal Intelligence Information refers to data which has been evaluated to determine that it is relevant to the identification of and the criminal activity engaged in by an individual who (or organization/group which) is reasonably suspected of involvement in criminal activity and meets the criminal intelligence system submission criteria of 28 C.F.R. Part 23.

Examples of Criminal Intelligence Systems subject to 28 C.F.R. Part 23 include (but are not limited to):

- a) Systems that store detailed information on the criminal activities of subjects and are used to share this information with other jurisdictions;
- b) Systems which store only limited information designed to identify individuals or organizations which are the subject of an inquiry or analysis. These systems are commonly referred to as "pointer systems," which are defined as systems where interested agencies are placed in contact with each other for more detailed investigative information. Pointer information is information which identifies a particular individual or organization based on descriptive information about the subject suspected of criminal activity. Pointer information is then input into the database and can be used when an inquiry is requested to match subjects of investigation, and to put law enforcement agencies together so they can work a case in a coordinated manner.

Examples of systems that are NOT subject to 28 C.F.R. Part 23:

- a) Single agency systems where exchange or dissemination is only within the agency;
- b) Criminal history information or identification systems;
- c) Task force systems where the task force is operating pursuant to a formal agreement and where information exchange or dissemination *does not go outside the task force*. If the task force is formally organized by agency agreements and dissemination of information is restricted to only the agencies that are members of the task force, the criminal intelligence system is not subject to 28 C.F.R. Part 23.

If my agency does operate a Criminal Intelligence System, what must we do to comply with our COPS grant requirements?

If your agency receives funding from a COPS grant program that includes equipment funds, your agency must complete and sign a 28 C.F.R. Part 23 Special Condition at the time of application. The Special Condition requires your agency to identify whether it will use the grant funds to operate an interjurisdictional criminal intelligence system. If so, your agency must also certify in the Special Condition that it will comply with the guidelines in 28 C.F.R. Part 23. The COPS Office may contact your agency during the grant implementation period to monitor its compliance with these guidelines.

Contact COPS

For more information, call the U.S. Department of Justice Response Center at 1.800.421.6770, or visit the COPS website at: www.cops.usdoj.gov